



EU & MS Statement for the First substantive session of the AHOEWG on Global Pact for the Environment on the chapter of the UNSG report on Gaps relating to the implementation and effectiveness of international environmental law

14-18 January 2019, Nairobi

Co-Chairs, Excellencies,

Distinguished delegates,

I have the honour to speak on behalf of the EU and its Member States.

Chapter 6 of the report touches upon several quite distinct areas: implementation, dispute settlement and compliance, as well as legal responsibility and liability.

Implementation of existing international binding and non-binding commitments is a well-known and crucial challenge for environmental protection. The report could have gone into greater detail, since the aim of strengthening implementation is at the core of the UN General Assembly resolution. But we agree with the report that there are many different reasons why implementation can be perceived to be insufficient or difficult.

Effective implementation requires enabling policies, mainstreaming of environment in relevant sector policies, environmental education, and the involvement of the private sector and all other stakeholders, including the most vulnerable, at all levels.

Where the capacities of countries to ensure effective implementation are not sufficient, this may require support. This could include financial support, but also other means of support such as, capacity building, and technical assistance, including in-kind contributions.

We encourage the sharing of best practices on implementation. It would also be useful to have better information about implementation and available data at national level. Improving the reporting by parties under international regimes could facilitate this data collection.

There are also various ways in which national implementation could be strengthened, whilst respecting sovereignty and national circumstances.

For instance, national implementation could be facilitated by making better use of the approaches and mechanisms of the 2030 agenda, and through the full implementation of the reform of the UN Development System.

We recall that the Addis Abbaba Action Agenda is an integral part of the 2030 agenda which reaffirms the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity.

In view of the magnitude of the challenge, financial resources need to come from a wide variety of sources, instruments and channels. We recognise the importance of access to financial support, in particular by those furthest behind.

We should also promote and facilitate investments that support, and do not run counter to, environmental objectives.

Regarding capacity building, we would like to highlight the role the Montevideo Programme can play in supporting countries for the better implementation of environmental law.

As we said with regard to other chapters, the Ad hoc open-ended working group should consider to what extent it is the appropriate forum to address these issues and in what form to do so.

In general, issues regarding the implementation of specific instruments and regimes should be looked at in their respective contexts. This also applies to matters such as dispute settlement and compliance.

We should focus our efforts on improving implementation through addressing cross-cutting challenges. Areas we should not focus on include, from our perspective, state responsibility and civil liability. Regarding state responsibility, the current rules were codified in a long process and it does not seem feasible to open them through the ad hoc open ended working group. However, we remain to open to addressing how these rules can be best applied to environmental issues. Regarding civil liability, it is part of very different national legal systems.

We look forward to engaging constructively with all stakeholders in the further discussion.